

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

MAR 25 2008

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Respondent,)	2 CA-CR 2007-0303-PR
)	DEPARTMENT B
v.)	
)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
WELLINGTON SPENCER COPPESS,)	Rule 111, Rules of
)	the Supreme Court
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20020885

Honorable Paul E. Tang, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney
By Jacob R. Lines

Tucson
Attorneys for Respondent

DiCampi, Elsberry & Hunley, LLC
By Anne Elsberry

Tucson
Attorneys for Petitioner

V Á S Q U E Z, Judge.

¶1 Following a jury trial, petitioner Wellington Coppess was convicted of second-degree murder, aggravated assault, aggravated driving under the influence of an intoxicant, leaving the scene of an accident involving death or serious injury, and criminal damage. The trial court sentenced him to a combination of presumptive, slightly mitigated, and aggravated prison terms totaling 44.5 years. This court affirmed his convictions and

sentences on direct appeal. *State v. Coppess*, No. 2 CA-CR 2003-0355 (memorandum decision filed Feb. 28, 2006). In this petition for review, he challenges the trial court's subsequent denial of his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. "A petition for post-conviction relief is addressed to the sound discretion of the trial court[,] and the decision of the court will not be reversed unless an abuse of discretion affirmatively appears." *State v. Schrock*, 149 Ariz. 433, 441, 719 P.2d 1049, 1057 (1986).

¶2 In his petition for post-conviction relief, Coppess claimed his trial counsel had been ineffective and his right to a fair and impartial jury had been violated. The same trial judge who had presided over the jury trial denied relief in an exhaustive minute entry ruling addressing each of Coppess's claims. Because the court's order denying relief clearly identified the issues and correctly ruled on them so that any court in the future can understand it, and because the court's findings and conclusions are supported by the record before us, we adopt the trial court's ruling. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). Accordingly, although we grant review of Coppess's petition for review, we deny relief.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

PHILIP G. ESPINOSA, Judge